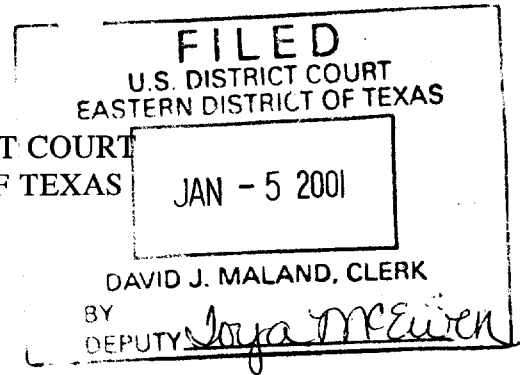


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION



L. C. BAIRD,
Plaintiff,

V.

HOME DEPOT, INC. AND GAB
ROBINS NORTH AMERICA, INC.,
Defendants.

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C.A. NO. 4:01cv6

JURY DEMANDED

NOTICE OF REMOVAL

Defendants Home Depot, Inc. and GAB Robins North America, Inc., for the purpose only of removing this cause to the United States District Court for the Eastern District of Texas, Sherman Division, state:

1. **State Court Action.** This is an action filed on or about October 20, 2000 in the 393rd Judicial District Court of Denton County, Texas, being numbered 2000-60193-393 on the docket of said court and being a suit by Plaintiff L.C. Baird ("Baird") against Home Depot, Inc. ("Home Depot") and GAB Robins North America, Inc. ("GAB") to recover damages for personal injuries. In his original petition, Baird, who was acting *pro se* at the time, claimed he sustained shoulder injuries and an eye abrasion when merchandise allegedly fell from a pallet while Baird was shopping at Home Depot.

2. **Diversity Jurisdiction.** Baird is a citizen of Texas. Home Depot is incorporated only in Delaware with its principal office and place of business located in Georgia, both at the time of the filing of the action and at the time of the removal. Home Depot is therefore a citizen of Delaware and Georgia. GAB is incorporated only in Delaware with its principal office and place of business located in New Jersey, both at the time of the filing of the action and at the time of the removal. GAB is therefore a citizen of Delaware and New Jersey. Therefore, complete diversity of citizenship exists between the plaintiff and all defendants.

3. The amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. Although Plaintiff's Original Petition asserted mere negligence and did not state a specific dollar amount of damages, Plaintiff's First Amended Petition asserted, for the first time, a claim for gross negligence and punitive damages and indicated that Plaintiff may seek \$1 million in damages. This Court has original jurisdiction over this action under 28 U.S.C. § 1332. Venue is proper in this Court under 28 U.S.C. § 1391. This civil action is one which may be removed by Home Depot and GAB pursuant to 28 U.S.C. § 1441 since the Court has original jurisdiction over Baird's claims.

4. **Timeliness.** This suit was filed on or about October 20, 2000 and both Home Depot and GAB filed an answer on November 3, 2000. Plaintiff's Original Petition did not state a specific dollar amount of damages, was filed *pro se*, and stated a mere negligence claim. In addition, those medical records that were available to Home Depot and GAB indicated that Baird's medical expenses fell far below \$75,000. Therefore, the case stated by the initial pleading was not removable.

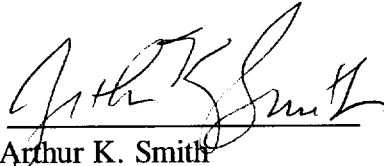
5. However, on December 7, 2000, Baird, who was now represented by counsel,

served Home Depot and GAB with his First Amended Petition (the "Amended Complaint"). The Amended Complaint asserted an additional claim for gross negligence and punitive damages and indicated that Baird may seek \$1 million in damages. The Amended Complaint was the first amended pleading, motion, order, or other paper from which Home Depot and GAB could ascertain that the case was removable. Removal is therefore timely under 28 U.S.C. § 1446(b) and the Fifth Circuit's decision in *Chapman v. Powermatic, Inc.*, 969 F.2d 160 (5th Cir. 1992).

6. **State Court Documents Attached.** Attached hereto are the following documents from the state court action: certified copy of the civil docket sheet, Plaintiff's Original Petition, Original Answer and Special Exceptions of Defendants The Home Depot, Inc. and GAB Robins North America, Inc. to Plaintiff's Original Petition, correspondence with the court, Notice of Appearance, Plaintiff's First Amended Petition, correspondence between counsel and filed with the court regarding service of discovery, citation for Home Depot, and citation for GAB, said documents constituting the only process, pleadings asserting causes of action, or orders received by Home Depot and GAB in this action.

7. **Relief Requested.** Home Depot and GAB respectfully request that the United States District Court for the Eastern District of Texas, Sherman Division, accept this notice of removal and that it assume jurisdiction of this cause and issue all such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,

By: 
Arthur K. Smith
State Bar No. 18534100

SMITH DEFEO
A Professional Corporation
900 High Point Centre
12225 Greenville Ave.
Dallas, Texas 75243
Telephone: (972) 739-2700
Facsimile: (972) 739-2777

ATTORNEYS FOR DEFENDANTS
HOME DEPOT, INC. and
GAB ROBINS NORTH AMERICA, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of January, 2001 a true copy of the foregoing pleading was forwarded via certified mail, return receipt requested, to counsel for Plaintiff.


Arthur K. Smith

158900.175.remov_.doc

8 | 9 | 10 | 11 | 12

CAUSE NO. 2000-10193-393 LED

L. C. BAIRD

Plaintiff

VS.

HOME DEPOT, INC. & GAB ROBINS
NORTH AMERICA, INC.

Defendant

X
X
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X

IN THE DISTRICT COURT

OF DENTON COUNTY

JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION**TO THE HONORABLE COURT:**

COMES NOW, L. C. BAIRD, Plaintiff Pro Se, who files his Original Petition against the defendants Home Dept, Inc. and GAB Robins North America, Inc. for damages resulting from a personal injury sustained on their owned property and protected property, respectively.

**I.
VENUE**

Venue of this court is proper pursuant to section 15.002 of the Texas Civil Practice and Remedies Code.

**II.
PARTIES**

The plaintiff was a customer shopping in the local Home Depot, Inc. store located at 901 N. Stemmons Freeway, Lewisville (Denton County), Texas 75067. Plaintiff is a resident of Denton County, residing at 103 Lone Tree Lane, Hickory Creek, Texas. The defendants are as follows...Home Depot is a corporation headquartered in Atlanta, GA operating retail store locations nation wide to include the store located at 901 North Stemmons Freeway. The headquarters address is 2455 Paces Ferry Road NW, Atlanta, GA 30339-4024. GAB Robins North America is a corporation retained by Home Depot, Inc. to handle insurance claims. GAB Robins North America, Inc. is located in Parsippany, NJ at #0 Campus Drive P.O. Box 316. Zip code there is 07054-0316. Although GAB Robins is headquartered in New Jersey they have a unit located at the Home Depot, Inc. headquarters previously addressed. Therefore, both defendants can be served at 2455 Paces Ferry Road NW, Atlanta, GA 30339-4024.

**III.
GENERAL FACTS AND ALLEGATIONS**

1. Plaintiff was a customer in the Home Depot store located at 901 N. Stemmons Frwy., Lewisville, Texas 75067 on October 7, 1998. While walking down the aisle the defendant was struck by boxes that fell from a pallet being removed from a high rack storage unit by an employee of Home Depot.



AND CORRECT COPY
SHURE-ADLSTEIN
STATIONERY

Debra A. Adlstein

2. The Home Depot employee violated the safety policy of using a second employee to guard customers from approaching such an operation therefore allowing the plaintiff to sustain an injury from the falling product.
3. As a result of this incident the plaintiff sustained debilitating injuries diagnosed as an eye abrasion, contusions, rotator cuff syndrome, sternoclavicular separation, and a biceps tendon avulsion. Such injuries, by nature, are degenerative.
4. The home depot employee was negligent for not using due regard for person(s) in the area of such a hazardous procedure. The lack of training and or experienced was a contributing factor in this incident.
5. The Plaintiff's Original Petition is being filed Pro Se, however after filing; legal counsel will be retained to proceed with an amended petition.

IV.

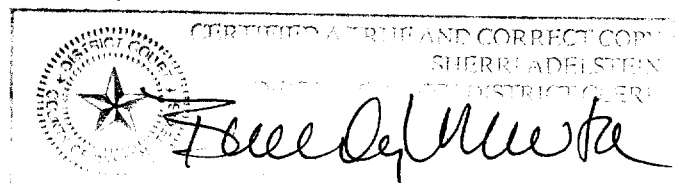
DAMAGES AND PRAYER FOR RELIEF

6. Wherefore, Plaintiff requests the following relief:
 - a. Compensatory damages in the amount of at least \$20,000.00 and up to \$1,000,000.00. Actual damages will be based on affected earning potential, lost wages, related expenses, pain, suffering, and prognosis of injuries for the long term health of the Plaintiff;
 - b. Court costs;
 - c. Attorney fees;
 - d. Such other and further relief as the nature of this action may require.

Respectfully submitted,



L. C. BAIRD
Plaintiff Pro Se
103 Lone Tree Lane
Hickory Creek, Texas 76210
940-321-5832



L. C. BAIRD,
Plaintiff,

vs.

HOME DEPOT, INC. AND GAB
ROBINS NORTH AMERICA, INC.,

Defendants.

CAUSE NO. 2000-60193-393
FILED

00 NOV -6 PM 2:28
CLERK OF DISTRICT COURT
DENTON COUNTY, TEXAS

IN THE DISTRICT COURT

393RD JUDICIAL DISTRICT

DENTON COUNTY, TEXAS

**ORIGINAL ANSWER AND SPECIAL EXCEPTIONS OF DEFENDANTS
THE HOME DEPOT, INC. and GAB ROBINS NORTH AMERICA, INC.
TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE:

COME NOW The Home Depot, Inc. and GAB Robins North America, Inc., Defendants in the above-entitled and numbered cause (hereinafter referred to as "Defendants"), and for their Original Answer and Special Exceptions to Plaintiff's Original Petition would respectfully show unto the Court as follows:

SPECIAL EXCEPTIONS

I.

Defendants specially except to Paragraph IV of the Petition wherein Plaintiff seeks recovery for unspecified lost wages and medical expenses, and pursuant to Tex. R. Civ. P. 56, request that Plaintiff be required to itemize all special damages for which he seeks recovery. Of which special exception, Defendants pray judgment of the Court.

CLERK OF DISTRICT COURT
DENTON COUNTY, TEXAS
JERRY ADAMS
DISTRICT CLERK
JERRY ADAMS

II.

Defendants further specially except to the prayer for relief of the Petition wherein it is alleged that Plaintiff seeks recovery for "such other and further relief as the nature of this action may require." Defendants are entitled to know the specific types of relief for which Plaintiff seeks recovery; accordingly, this global claim for relief should be stricken or, in the alternative, Plaintiff should be required to replead to specifically identify each type of damages for which he seeks recovery. Of which special exception, Defendants pray judgment of the Court.

ORIGINAL ANSWER

III.

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants hereby enter a general denial, and demand that Plaintiff be required to prove his allegations by a preponderance of the evidence.

IV.

Pleading further, Defendants affirmatively allege that Plaintiff's own negligence was the sole proximate cause, or alternatively, a proximate cause of the incident made the basis of this suit and Plaintiff's damages, if any.

V.


Pursuant to the Texas Government Code § 52.046 (Vernons 1988), Defendants request that a court reporter attend all sessions of the Court in conjunction with this civil action.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that the Court sustain their Special Exceptions, strike the appropriate pleading and require Plaintiff to amend within a reasonable time certain, and the Plaintiff takes nothing by this action and Defendants be

dismissed with their costs, and for such other relief, both general and specific, at law or in equity, to which Defendants may be justly entitled.

Respectfully submitted,

SMITH DeFEO,
A Professional Corporation

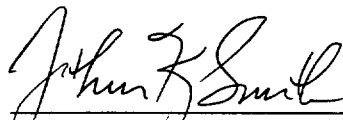
By: 
Arthur K. Smith
State Bar No. 18534100

900 High Point Centre
12225 Greenville Ave.
Dallas, Texas 75243
Telephone: (972) 739-2700
FAX: (972) 739-2777

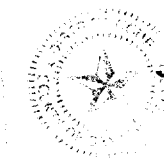
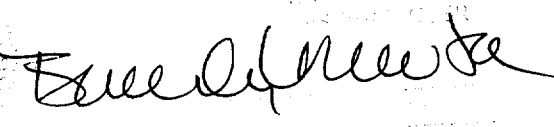
ATTORNEYS FOR DEFENDANTS
THE HOME DEPOT, INC. and GAB
ROBINS NORTH AMERICA, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd day of November, 2000, a copy of the foregoing pleading was forwarded via certified mail, return receipt requested, to Plaintiff.


Arthur K. Smith

g:\wp\158900.175.answer.org

SMITH DEL EO

ATTORNEYS AND COUNSELORS

A PROFESSIONAL CORPORATION

TELEPHONE (972) 739-2700

FAX (972) 739-2777

FILED

00 NOV -6 PM 2:20

November 3, 2000

Ms. Sherri Adelstein
Denton County District Clerk
393rd Judicial District Court
1450 E. McKinney, 2nd Floor
Denton, TX 76209

Re: Cause No. 2000-60193-393;
L. C. Baird v. Home Depot, Inc. and GAB Robins North America, Inc.

Dear Ms. Adelstein:

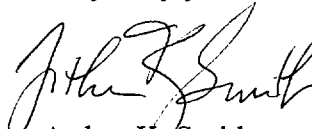
Enclosed please find an original and one copy of Defendants Home Depot, Inc. and GAB Robins North America, Inc.'s Original Answer and Special Exceptions To Plaintiff's Original Petition in connection with the above-referenced matter. Please file the original document among the other papers in this cause and return a file-stamped copy to my office in the enclosed self-addressed stamped envelope.

By copy of this correspondence, plaintiff is being provided a copy of said document.

Thank you for your assistance in this matter. Should you have any questions, please call.

Best regards.

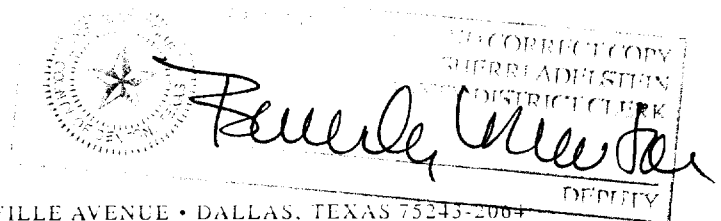
Very truly yours,


Arthur K. Smith

AKS:ww
Enclosure
158900.175.clerk-1.ans

cc: L. C. Baird
103 Lone Tree Lane
Hickory Creek, TX 76210

Via Certified Mail/RRR



SMITH DEFLO
ATTORNEYS AND COUNSELORS

A PROFESSIONAL CORPORATION
TELEPHONE (972) 739-2700
FAX (972) 739-2777

FILED _____

00 NOV 17 AM 11:36

SHERRI ADEISTEIN
DISTRICT CLERK DENTON CO., TX
November 16, 2000

BY RA DEPUTY

L. C. Baird
103 Lone Tree Lane
Hickory Creek, TX 76210

***Via Certified Mail/RRR
and Via First Class US Mail***

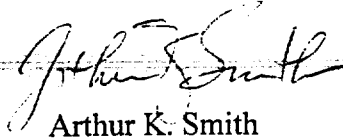
Re: Cause No. 2000-60193-393;
L. C. Baird v. Home Depot, Inc. and GAB Robins North America, Inc.

Dear Mr. Baird:

In connection with the above-referenced matter, a hearing on Defendants The Home Depot, Inc. And GAB Robins North America, Inc.'s Special Exceptions has been scheduled for Friday, December 1, 2000 at 11:00 a.m.


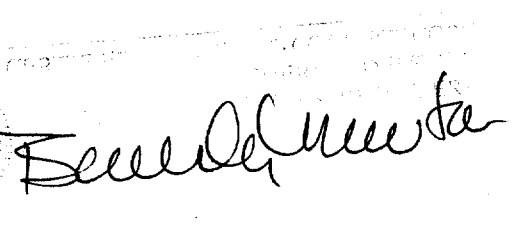
Best regards.

Very truly yours,


Arthur K. Smith

AKS:ww
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cc: Mrs. Sherri Adeistein
Denton County District Clerk
393rd Judicial District Court
1450 E. McKinney, 2nd Floor
Denton, TX 76209

CAUSE NO. 2000-60193-393

L.C BAIRD,

Plaintiff

VS.

HOME DEPOT, INC. AND GAB
ROBINS NORTH AMERICA, INC.,

Defendants

IN THE DISTRICT COURT

393RD JUDICIAL DISTRICT

DENTON COUNTY, TEXAS

NOTICE OF APPEARANCE

TO THE HONORABLE JUDGE OF SAID COURT:

Please be advised that Stephen Kuzmich of Kuzmich & Walker, 335 West Main St., Lewisville, Texas 75067 hereby make his appearance in this matter as counsel for petitioner

Respectfully submitted,

Sen Kyo

STEPHEN KUZMICH

Kuzmich & Walker

335 West Main Street

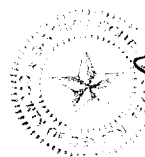
Lewisville, Texas 75057

(972) 434-1555 METRO

(972) 219-9948 FAX

Texas Bar Card No. 00789428


ATTORNEY FOR PLAINTIFF


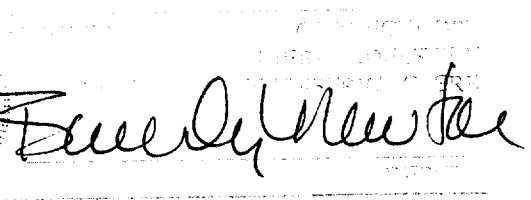


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CERTIFICATE OF SERVICE

This is to certify that I have forwarded a true and correct copy of Plaintiff's Notice of Appearance to counsel for the Defendants at the following address: 900 High Point Centre, 12225 Greenville Ave., Dallas, Texas 75243, via certified mail return receipt requested # 7099 3400 0006 4174 8118, and via facsimile at (972) 739-2777, on this 30th day of November 2000.


Steve Kuzmich

FILED _____ **KUZMICH & WALKER**
ATTORNEYS AND COUNSELORS AT LAW
00 DEC -1 PM 1:13 335 WEST MAIN STREET
LEWISVILLE, TX 75057
METRO 972) 434-1555
DENTON CO, TX TOLL FREE (877) 434-1555
FACSIMILE (972) 219-9948

DEPUTY
NICOLE GORDILLO, PARALEGAL

November 30, 2000

Clerk of the District Court
393rd Judicial District
Denton County Courts Facility
1450 E. McKinney
Denton, Texas 76201

RE: *L.C. Baird vs. Home Depot, Inc. and GAB Robins North America, Inc.*
Cause No.: 2000-60193-393

Dear Clerk:

Enclosed please find the original and two copies of Plaintiff's Notice of Appearance. Please file the original with the Court, and return the file stamped copies to our office in the enclosed self addressed stamped envelope. Thank you.

Sincerely,

Nicole Gordillo
Nicole Gordillo
Paralegal

cc: Erin Rush
Smith DeFeo
900 High Point Centre
12225 Greenville Ave.
Dallas, Texas 75243

RECEIVED AND CORRECT COPY
SUPERIOR COURT
DISTRICT CLERK
Beverly Newke

NO. 2000-60193-393

L. C. BAIRD,

Plaintiff

vs.

HOME DEPOT, INC. AND GAB
ROBINS NORTH AMERICA, INC.,

Defendants

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FILED
00 DEC -7 11:44
IN THE DISTRICT COURT
DENTON COUNTY, TX
MA
393RD JUDICIAL DISTRICT
DENTON COUNTY, TEXAS

PLAINTIFF'S FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

L.C. BAIRD, Plaintiff in this action, complains of HOME DEPOT, INC.,
AND GAB ROBINS NORTH AMERICA, INC., Defendants in this action, and for cause
of action shows the following:

I.

Discovery Control Plan

Plaintiff intends that discovery in this case is to be conducted under Level 3, as
described in Rule 190 of the Texas Rules of Civil Procedure and specifically under Rule
190.4. Parties are attempting to arrive at an agreed Discovery Control Plan.

II.

Parties

Plaintiff, L.C. Baird is an individual, residing in Denton County, at 103 Lone Tree
Lane, Hickory Creek, Texas 76210. Defendants, Home Depot Inc., and GAB Robins
North America, Inc., have been served and have answered.

CORRECT COPY
JERRY ADLSTEIN
DISTRICT CLERK
DENTON COUNTY, TEXAS
[Signature]

III.

Venue

Venue and jurisdiction are proper in this Court because the occurrence sued on occurred, at least in part, in Denton County, Texas, at a property owned and operated by Defendants.

IV.

Factual Allegations

On or about October 7, 1998, Plaintiff, L.C. Baird was a customer at Home Depot, 901 N. I-35 in Lewisville, Texas. Plaintiff was struck with a box of drill motors when an employee of Defendants' was using a forklift to move a pallet of drill motors from the top shelf of the rack storage at the end of an aisle. The box of drill motors fell on Plaintiff causing personal injury in addition to pain and suffering.

V.

Invitee

Plaintiff, L.C. Baird, was an invitee at the time the injury occurred. Plaintiff went on the premises for the mutual benefit of himself and Defendants, and at the implied invitation of the Defendants. Plaintiff was a business invitee of Defendants because Plaintiff came on Defendants' premises in order to purchase materials at Home Depot.

VI.

Negligence

Defendants' conduct constituted a breach of the duty of ordinary care owed by Defendants to Plaintiff. Defendants had actual or constructive knowledge and/or they knew or should have known that the moving of heavy and dangerous amounts of materials overhead using a forklift in an open area where customers are present, poses a risk of injury to the public.

Lee A. Munte
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VII.

Exemplary Damages

The negligence of Defendants, described above, was of such a character as to make Defendants guilty of gross negligence. Plaintiff seeks exemplary damages in the amount as may be proper under the facts and circumstances.

The conduct of Defendants as set forth in this petition was done with malice; thus, Plaintiff is entitled to exemplary damages. The moving of heavy materials overhead in the store created an extreme degree of risk, considering the probability and magnitude of potential harm, and since Defendants created the condition, they had actual or subjective awareness of the risk.

VIII.

Maximum Damages

Pursuant to request of Defendants and order of this Court, Plaintiff pleads maximum damages of one million dollars and a minimum amount of damages of one dollar.

IX.

Duty

Because Plaintiff was an invitee at the time of the injury, Defendants owed him a duty to exercise ordinary care to keep the premises in reasonably safe condition, and to make safe any defects or give an adequate warning of any dangers associated with the premises.

X

Vicarious Liability

Defendants are liable for the damages proximately caused to Plaintiff by the

conduct of their employees as set forth above since the employees were acting within the course and scope of their employment when the incident set forth above occurred.

XI.

Damages

As a direct and proximate result of the negligence of the Defendants, Plaintiff, L.C. Baird, has suffered:

1. Past and future reasonable medical expenses;
2. Past and future physical and mental pain and suffering;
3. Past and future mental anguish;
4. Permanent physical impairment; and
5. Lost wages; and
6. Lost wage earning capacity

Plaintiff has been damaged in all these respects far in excess of the minimum jurisdictional limits of this Court.

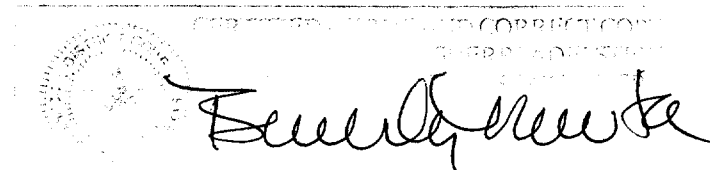
WHEREFORE, Plaintiff requests that Defendants be cited to appear and answer, and that on final trial, Plaintiff have:

1. Judgment against Defendants for actual and special damages suffered by Plaintiff as a result of Defendants' conduct in an amount within the jurisdictional limits of this Court;
2. Costs of suit;
3. Pre-judgment and post-judgment interest as provided by law;
4. Exemplary Damages; and
5. Such other and further relief to which the Plaintiff may be justly entitled.

Respectfully submitted,



STEPHEN KUZMICH
Texas Bar Card No. 00789428
Kuzmich & Walker
335 West Main Street
Lewisville, Texas 75057
(972) 434-1555 METRO
(972) 219-9948 FAX
ATTORNEY FOR PLAINTIFF,
L.C. BAIRD

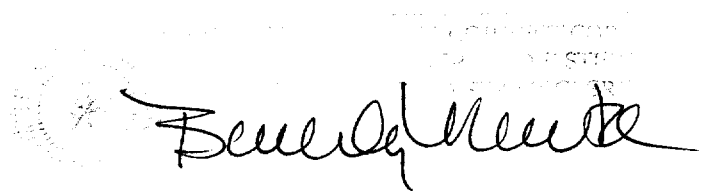


CERTIFICATE OF SERVICE

This is to certify that I have forwarded a true and correct copy of Plaintiff's First Original Amended Petition to Defendant's attorney of record, Arthur K. Smith, Smith DeFeo, 900 High Point Centre, 12225 Greenville Ave., Dallas, Texas, 75243, via fax and CM RRR on this 7th day of December, 2000.



**STEPHEN KUZMICH
ATTORNEY FOR PLAINTIFF,
L.C. BAIRD**



KUZMICH & WALKER

ATTORNEYS AND COUNSELORS

335 WEST MAIN STREET

LEWISVILLE, TX 75057

METRO 972) 434-1555

TOLL FREE (877) 434-1555

FACSIMILE (972) 219-9948

FILED
00 DEC -7 AM 11:44
SHERIFF'S OFFICE
DISTRICT CLERK, TARRANT CO., TX
BY _____ DEPUTY

STEPHEN KUZMICH, ATTORNEY

December 7, 2000

Via Fax 940-565-5519
Clerk of the District Court
393rd Judicial District

Re: Baird v. Home Depot
Cause No.: 2000-60193-393

Dear Clerk,

Enclosed please find Plaintiff's First Amended Petition for filing. Please fax a confirmation of this filing to my office. Thank you.

Sincerely,

Steve Kuzmich

Steve Kuzmich

SK/jf

Steve Kuzmich

KUZMICH & WALKER

335 WEST MAIN STREET
LEWISVILLE, TEXAS 75057
972-434-1555 METRO
972-219-9948 FAX
KUZTX @AOL.COM

FILED

00 DEC -7 AM 11:44

SHERIFF STEIN
DISTRICT CLERK DENTON CO., TX

FACSIMILE TRANSMITTAL SHEET

TO:

Nessa

FROM:

Janica

COMPANY:

Court clerk
Denton Courthouse

DATE:

12-7-00

FAX NUMBER:

972-565-5519

TOTAL NO. OF PAGES INCLUDING COVER:

7

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: First Amended Petition
for Filing - Baird v. Home Depot

☐ URGENT

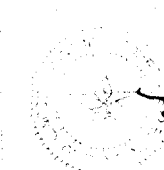
☐ FOR REVIEW

☐ PLEASE COMMENT

☐ PLEASE REPLY

☐ PLEASE RECYCLE

NOTES/COMMENTS:


Denton County, Texas
District Clerk
Sheriff Stein
Handwritten signature: Sheri Stein

KUZMICH & WALKER

ATTORNEYS AND COUNSELORS

FILED - 335 WEST MAIN STREET
LEWISVILLE, TX 75057
00 DEC -7 PM 12:51 METRO 972) 434-1555
TOLL FREE (877) 434-1555
FACSIMILE (972) 219-9948

STEPHEN KUZMICH, ATTORNEY

December 6, 2000

VIA CM RRR 7099 3400 0006 4017 6042
Arthur K. Smith
Smith DeFeo
900 High Point Centre
12225 Greenville Ave.
Dallas, Texas, 75243

Re: L. C. Baird v. Home Depot, Inc. and BAB Robins North America, Inc.
Cause No.2000-60193-393

Dear Mr. Smith,

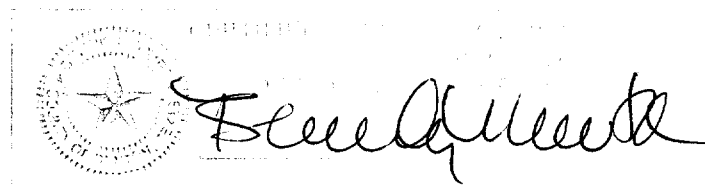
Enclosed please find Plaintiff's responses to Defendant's First Set of Interrogatories, Request for Production and Request for Disclosure. A copy of this letter is being sent to the Clerk of the Court.

Sincerely,


Steve Kuzmich

SK/jf
Encl.

cc: Clerk of the District Court
393rd Judicial District
Denton County Courts Facility
1450 E. McKinney
Denton, Texas 76201



KUZMICH & WALKER

ATTORNEYS AND COUNSELORS

335 WEST MAIN STREET

LEWISVILLE, TX 75057


METRO 972) 434-1555

TOLL FREE (877) 434-1555

FACSIMILE (972) 219-9948

STEPHEN KUZMICH, ATTORNEY

FILED
00 DEC 11 PM 2:35

SHERRI ADELSTEIN
DISTRICT CLERK
BY  DEPUTY

December 8, 2000

VIA CM RRR 7099 3400 0006 4017 5687

Arthur K. Smith

Smith DeFeo

900 High Point Centre

12225 Greenville Ave.

Dallas, Texas 75243

Re: L.C. Baird v. Home Depot, Inc., and GAB Robins North America, Inc.
Cause No. 2000-60193-393

Dear Mr. Smith,

Enclosed please find Plaintiff's First Set of Interrogatories, Request for Production of Documents, and Request for Disclosure to Defendants.

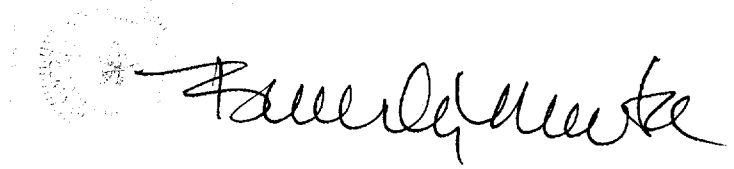
A copy of this letter is being sent to the Clerk of the Court.

Sincerely,


Steve Kuzmich

SK/jf
Encl.

Cc: Clerk of the District Court
393rd Judicial District
Denton County Courthouse
1450 E. McKinney
Denton, Texas 76201



THE STATE OF TEXAS

CIVIL CITATION

CAUSE NO. 2000-60193-393

TO: GAB ROBINS NORTH AMERICA INC,

By Serving Stan Deese Or Any Other Agent , 2455 Paces Ferry Road Nw,
Atlanta, Ga 30339-4024 (OR WHEREVER (S)HE MAY BE FOUND)

NOTICE TO DEFENDANT: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

COURT: 393RD JUDICIAL DISTRICT COURT
1450 E. MCKINNEY, 2ND FLOOR
DENTON, DENTON COUNTY, TEXAS 76209

CAUSE NO. 2000-60193-393

DATE OF FILING: 4TH DAY OF OCTOBER, 2000

DOCUMENT: PLAINTIFF'S ORIGINAL PETITION

PARTIES IN SUIT:

Baird, L.C.

Home Depot Inc, Gab Robins North America Inc

CLERK: SHERRI ADELSTEIN, 1450 E. MCKINNEY, 1ST FLOOR
P.O. BOX 2146, DENTON TEXAS 76202

PARTY OR L.C. BAIRD
PARTYS' 103 LONE TREE LANE

ATTORNEY:

HICKORY CREEK, TX 76210

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF THIS SAID COURT, THIS
October 4th, 2000.

SHERRI ADELSTEIN, DISTRICT CLERK
DENTON COUNTY, TEXAS

BY: Nessa Ahrens DEPUTY
NESSA AHRENS

OFFICER'S RETURN

CAME TO HAND ON THE _____ DAY OF _____, 2000, AT _____ M.,
AND EXECUTED ON THE _____ DAY OF _____, 2000, AT _____ M BY DELIVERING TO
THE WITHIN NAMED _____ IN PERSON A
TRUE COPY OF THIS CITATION, WITH ATTACHED COPY(IES) OF THE PLAINTIFF'S
ORIGINAL PETITION *AT

SERVICE FEES:

\$ _____

SHERIFF

COUNTY, TEXAS

DEPUTY/AUTHORIZED PERSON
DENTON COUNTY I.D. _____

VERIFICATION

ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME
TO BE THE PERSON WHOSE NAME IS SUBSCRIBED ON THE FOREGOING INSTRUMENT AND WHO
HAS STATED: UPON PENALTY OF PERJURY, I ATTEST THAT THE FOREGOING INSTRUMENT
HAS BEEN EXECUTED BY ME IN THIS CAUSE PURSUANT TO THE TEXAS RULES OF CIVIL
PROCEDURE. I AM OVER THE AGE OF EIGHTEEN YEARS AND I AM NOT A PARTY TO OR
INTERESTED IN THE OUTCOME OF THIS SUIT.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS THE _____ DAY OF
_____, 2000.

NOTARY PUBLIC

COUNTY,

Beulah M. Newton
COPY

THE STATE OF TEXAS

CIVIL CITATION

CAUSE NO. 2000-60193-393

TO: HOME DEPOT INC, : By Serving Stan Deese Or Any
Other Agent , 2455 Paces Ferry Road Nw, Atlanta, Ga 30339-4024 (OR
WHEREVER (S)HE MAY BE FOUND)

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PARTY OR L.C. BAIRD
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HICKORY CREEK, TX 76210

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SERVICE FEES: _____ SHERIFF
_____ COUNTY, TEXAS
\$ _____
DEPUTY/AUTHORIZED PERSON
DENTON COUNTY I.D. _____

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SUBSCRIBED AND SWORN TO BEFORE ME ON THIS THE _____ DAY OF
_____, 2000.

NOTARY PUBLIC

COUNTY: _____

COPY